



U.S. Department of Justice

**Stephen J. Murphy
United States Attorney
Eastern District of Michigan**

*Suite 2001
211 West Fort Street
Detroit, Michigan 48226-3277
Fax: (313) 226-3561*

For Immediate Release:

Contact: Gina Balaya (313) 226-9758

Jan 17, 2007

EVENT: Consent Decree

Defendant:

**JUSTICE DEPARTMENT SETTLES LAWSUIT ALLEGING RETALIATION
UNDER THE FAIR HOUSING ACT**

A proposed Consent Decree was filed today settling a case alleging retaliation against an individual for filing a complaint with a local fair housing center, announced Stephen J. Murphy, United States Attorney.

The case was brought under the federal Fair Housing Act against Fairway Trails Limited, L.P., Benchmark Management Corporation, Benchmark Michigan Properties, Inc., and Nicole Morbach, who owned, operated and managed Fairway Trails Apartments in Ypsilanti, Michigan. The Consent Decree has been submitted to Judge John Corbett O'Meara of the United States District Court for the Eastern District of Michigan for approval.

The government's complaint alleged that the Defendants retaliated against Harry Tyus after the Executive Director of the Fair Housing Center of Southeastern Michigan sent a letter to Fairway Trails Apartments stating that Tyus was an individual with a disability and asking that he be granted a reasonable accommodation under the Fair Housing Act. Shortly thereafter, Defendants attempted to evict Tyus, and when they were unsuccessful, they

announced that he would not be permitted to renew his lease.

The case was initiated when Tyus filed a fair housing complaint with the U.S. Department of Housing and Urban Development (HUD). After investigating the matter, HUD issued a charge of discrimination, and the matter was referred to the United States Attorney's Office, which filed the complaint on May 8, 2006. The case was handled jointly with attorneys from the Housing and Civil Enforcement Section of the Civil Rights Division.

"Our country's civil rights laws require not only freedom from discrimination but also freedom from retaliation for those who seek to exercise their civil rights. Today's settlement helps to ensure that those who wish to assert their rights under the Fair Housing act can do so without fear of reprisal." U.S. Attorney Murphy said. "We appreciate the cooperation of the Defendants in resolving this case without protracted litigation."

The settlement resolves the government's case as well as the related claim filed by Tyus who intervened in the government's lawsuit. Under the settlement, the Defendants have agreed to pay \$50,000 in damages and attorney fees to Harry Tyus, to post a nondiscriminatory rental policy, to undergo training on the requirements of the Fair Housing Act; and to submit periodic reports to the U.S. Attorney's Office.

Fighting illegal housing discrimination is a top priority of the Justice Department. In February, Attorney General Alberto R. Gonzales announced Operation Home Sweet Home, a concentrated initiative to expose and eliminate housing discrimination in America. This initiative was inspired by the plight of displaced victims of Hurricane Katrina who were suddenly forced to find new places to live. Operation Home Sweet Home, however, is not limited to the areas hit by Hurricane Katrina, but targets housing discrimination all over the country.

Individuals who believe that they may have been victims of housing discrimination can call the Housing Discrimination Tip Line (1-800-896-7743), contact the Department of Housing and Urban Development at 1-800-669-9777, or email the Justice Department at fairhousing@usdoj.gov. The federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, familial status, national origin and disability.